

CITY-COUNTY GENERAL ORDINANCE NO. ____, 1973

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 73-AO-1

AMENDMENT TO PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

OF

DWELLING DISTRICT ZONING ORDINANCE

OF MARION COUNTY, INDIANA

(ORDINANCE 66-AO-2, AS AMENDED)

MDC APPROVAL 5-2-73

METROPOLITAN DEVELOPMENT COMMISSION

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CITY-COUNTY GENERAL ORDINANCE NO. _____, 1973

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AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA*

Section 1. That Marion County Council Ordinance No. 8-1957 adopted by the Marion County Council on March 28, 1957, and the Dwelling Districts Zoning Ordinance of Marion, Indiana (Ordinance 66-AO-2), adopted as an amendment thereto, as amended, pursuant to Chapter 283 of the Indiana Acts of 1955, as amended, and Chapter 173 of the Indiana Acts of 1969, be amended as follows:

That section 2.135 of said Dwelling Districts Zoning Ordinance of Marion County, Indiana (Ordinance 66-AO-2) be amended to read as follows:

SECTION 2.135 D-P PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

A. PERMITTED D-P USES

The following uses shall be permitted in the D-P DISTRICT. All uses in the D-P DISTRICT shall conform to the Dwelling District Regulations of Section 2.00.

1. PLANNED UNIT RESIDENTIAL DEVELOPMENT, pursuant to the D-P Terms and Conditions (Section 2.135, B).
2. TEMPORARY USES, as regulated in Section 2.14.
3. ACCESSORY USES, as regulated in Section 2.15.
4. HOME OCCUPATION, as regulated in Section 2.16.
5. NON-RESIDENTIAL USES, which are an integral part of a residential development logically oriented to and coordinated with the total Planned Unit Residential Development, as regulated in Section 2.135, B.

B. D-P TERMS AND CONDITIONS

1. STATEMENT OF
PURPOSE

- a. To encourage a more creative approach in land and building site planning.
- b. To encourage an efficient, aesthetic and desirable use of open space.
- c. To encourage variety in physical development pattern.
- d. To achieve flexibility and incentives for residential development which will produce a wider range of choice in satisfying the changing needs of the metropolitan area.
- e. To encourage renewal of older areas in the the metropolitan region where new development and restoration are needed to revitalize the area.
- f. To permit special consideration of property with unique features, including, but not limited to, historical significance, unusual topography, landscape amenities, and size and shape.
- g. To convert land so poorly developed as to be a public liability.
- h. To simplify processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

2. FILING PROCEDURE

- a. The authorization of a planned Unit Development shall be subject to the procedures expressed herein.
- b. A petition for a Planned Unit Development may be initiated by the owners of property pf 50% or more of the area involved in the petition, or may be initiated by the Metropolitan Development Commission.

- c. The petition, which shall include a preliminary plan for any area proposed for development as a Planned Unit Development shall be filed with the Division of Planning and Zoning of the Department of Metropolitan Development. The preliminary plan shall include:
- (1) Proposed layout of streets, open space, and other basic elements of the plan.
 - (2) Identification of location and types of uses within the area, including proposed densities of said uses.
 - (3) Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal and other pertinent development features.
 - (4) The plan shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. Any land within the area to be zoned that is not owned by the petitioners shall be so identified.
 - (5) A general statement of the covenants to be made a part of the Planned Unit Development as well as the order and estimated time of development.
 - (6) A statement of the order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase.
 - (7) Proposed perimeter treatment including details of building locations, parking, and landscaping. The proposed perimeter treatment shall include all areas within 100 feet of the boundary of the project unless a larger area is requested by the Administrator of the Division of Planning and Zoning.
- d. The preliminary plan shall be presented in triplicate and to a scale not to exceed 100' = 1". The preliminary plan may be a freehand drawing and may include any graphics which will explain the features of the development.

- e. Within Twenty-Five (25) days after filing the Administrator of the Division of Planning and Zoning or his representative shall consult with the petitioner regarding the petition. After such consultation, the petitioner may make modifications to the petition.
- f. After consultation with the Administrator and after making any modifications to the proposed preliminary plans, the Petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:
 - (1) Include all documents included in the preliminary plan.
 - (2) Include an index identifying all documents included in the preliminary plan.
 - (3) Include a cover sheet indicating that it is the Final Proposed Preliminary Plan and indicating the date and case number.
 - (4) Be bound or stapled together and all documents therein reduced to a size no larger than 8-1/2 by 14 inches.

3. PRELIMINARY
PLAN HEARING

- a. The petition, if and as modified, shall then be heard by the Metropolitan Development Commission as a petition for zoning ordinance amendment and subject to the procedures applicable thereto. The Commission may approve, amend, or disapprove the plan and may impose any reasonable condition upon its approval. If approved, the preliminary plan shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President or Vice-President of the Commission and one copy shall be permanently retained in the office of the Division of Planning and Zoning.
- b. The approved Preliminary Planned Unit Development shall then be certified to the City-County Council for adoption as a D-P District pursuant to the laws governing adoption of zoning ordinances. Upon adoption by the City-County Council, the planned development shall be returned to the Department of Metropolitan Development, Division of Planning and Zoning, which shall thereafter exercise continuing jurisdiction.

4. DETAILED PLAN
APPROVAL

- a. Before any development takes place, the Administrator of the Division of Planning and Zoning shall approve a detailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and architectural features of proposed buildings. Such approval shall be conditioned upon a finding by the Administrator that the detailed plan is consistent with the approved Preliminary Planned Unit Development.
- b. The approved detailed plan shall be stamped "Approved Detailed Planned Unit Development" and be signed by the Administrator and one copy shall be permanently retained in the office of the Department of Metropolitan Development.
- c. Approval of the first phase of the detailed plan shall be obtained within two (2) years and approval of the balance of the detailed plan shall be obtained within five (5) years after adoption of the D-P District by the City-County Council.
- d. If all or a part of the Planned Unit Development requires platting, only a preliminary plat shall be required within the said two (2) year period and final platting may be undertaken in sections or phases at a later time. In cases of platting, approval shall be conditioned in part upon a finding that the Plat is consistent with the approved Preliminary Planned Unit Development.
- e. In the exercise of continuing jurisdiction, the Administrator may from time to time approve modifications of the approved Detailed Planned Unit Development in a manner consistent with the approved Preliminary Planned Unit Development.
- f. A refusal by the Administrator to approve a detailed plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to seek approval at a later date nor shall it impair the right of the petitioner to obtain an extension of time for approval. Petitioner may, however, appeal to the Commission from the Administrator's refusal to approve a detailed plan.

- b. The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Commission a modified detailed plan for such land, otherwise consistent with the approved Preliminary Planned Unit Development.
- c. The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:
 - (1) Lot area.
 - (2) Floor area.
 - (3) Ratios of floor space to land area.
 - (4) Area in which structures may be built. ("Buildable area").
 - (5) Open space.
 - (6) Setback lines and minimum yards.
 - (7) Building separations.
 - (8) Height of structures.
 - (9) Signs.
 - (10) Off-street parking and loading space.
 - (11) Design standards.
 - (12) Phasing of development.

- d. The petitioner may be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-AO-13), as amended).
- e. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
- f. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- g. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

7. RECORDING

All approved Detailed Planned Unit Developments and modifications thereof shall be recorded in the office of the Marion County Recorder within two (2) years after approval.

8. PERMIT

No improvement location permit shall be issued for a D-P District unless all recording required by section 2.135, B.5. has been effected. No improvement location permit shall be issued for a D-P District which fails to adhere to the approved Detailed Planned Unit Development.

9. CONSTRUCTION
- a. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefor (as required by Section 2.06 of the Subdivision Control Ordinance of Marion County, Indiana - Ordinance 58 AO-13, as amended) have been submitted to the Administrator and the petitioner has, at least twenty-four (24) hours in advance, notified the Administrator of his intention to begin such work, in order that inspections may be made as the work progresses.
 - b. All development shall be in conformity with the approved Detailed Planned Unit Development and any material deviations from the approved Detailed Planned Unit Development shall be subject to appropriate enforcement action.
10. EXTENSIONS,
ABANDONMENT,
EXPIRATION.
- a. Extensions of the time for accomplishing any matters set forth herein may be granted by the Administrator for good cause shown. In the event the Administrator disallows a requested extension, the Petitioner may appeal said determination to the Commission.
 - b. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Detailed Planned Unit Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the approval of a Detailed Planned Unit Development for a development which has not been completed (or the expiration of an extension granted by the Commission pursuant to section 2.135, B. 10(a)), the Commission may initiate an amendment to the zoning ordinance so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.
11. RULES OF
PROCEDURE
- All proceedings brought under this section shall be subject to the Rules of Procedure of the Metropolitan Development Commission, where not inconsistent with the procedure otherwise stated herein.
12. LIMITATION
ON
REZONING
- The Commission shall not initiate any amendments to the zoning ordinance concerning the property involved in a Planned Unit Development before completion of the development as long as development is in conformity with the approved Detailed Planned Unit Development, and proceeding is in accordance with the time requirements imposed herein.

Section 2. That an emergency exists for the passage of this ordinance and the same shall be in full force and effect from and after its passage.

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

Date _____

Attest: _____
(Clerk)

President (or Presiding Officer)